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### **REMARKS**

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1, 3-6 and 8 have been revised. Support for the revisions can be found at, e.g., page 10, lines 9-16, page 17, lines 7-16 of the specification and Figs. 1, 14A, 14B, among other places. Claims 1-20 remain pending in the application.

### **Claim Rejections – 35 USC § 103**

Claims 1, 19 and 20 are rejected under 35 USC 103(a) as being unpatentable over Garthe et al. (US Patent No. 7,244,266) in view of Searle et al. (US Patent Publication NO. 2002/0087180). Applicants respectfully traverse this rejection.

Claim 1 requires a lancet including a main body and a needle projecting from the body. Claim 1 also requires a lancet holder including a first member and a second member, wherein the second member is movable relative to the first member between a fixing position in which the main body of the lancet is fixed to the lancet holder and a non-fixing position in which the main body of the lancet is allowed to be removed from the lancet holder.

As illustrated in Figs. 14A and 14B, in this embodiment, a lancet holder 32 includes a first member 33 and a second member 34, wherein the second member 34 is movable relative to the first member 33 between the fixing position as shown in Fig. 14A, and a non-fixing position as shown in Fig. 14B. In the fixing position, the main body 10 of the lancet 1 is fixed to the lancet holder 32. In the non-fixing position, the main body 10 of the lancet 1 can be removed easily from the lancet holder 32. The present lancet holder including the first and second members helps easily install and remove the lancet so that the lancet can be replaced without damaging the lancet holder (see, e.g., page 14, line 13-page 15, line 11 of the specification and Figs. 7, 8A, 8B, 14A and 14B, among other places).

Searle et al. fail to teach or suggest a lancet holder including a first member and a second member, wherein the second member is movable relative to the first member between a fixing position in which the main body of the lancet is fixed to the lancet holder and a non-fixing position in which the main body of the lancet is allowed to be

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removed from the lancet holder, as required by claim 1. Instead, Searle et al. discuss a lancet apparatus 10 consists of four parts, a base 12, a needle 14 inserted into the base, a cap 16 and a locking member 18 (see Searle et al., paragraph [0021] and Fig. 1). The rejection refers to the cap 16 and base 12 in Searle et al. as suggesting the first and second members of the lancet holder as required by claim 1. However, nowhere do Searle et al. teach or suggest a member of a lancet holder being in a fixing position in which the main body of the lancet is fixed to the lancet holder. Nor do Searle et al. teach or suggest a member of a lancet holder being in a non-fixing position in which the main body of the lancet is allowed to be removed from the lancet holder. On the other hand, the movement of the cap 16 relative to the base 12 is only for allowing the needle 14 to project beyond or retract into the cap 16 during lancing operation (see Searle et al., paragraphs [0025]-[0027]). In fact, Searle et al. are completely silent as to a lancet holder, much less the lancet holder including the first and second members required by claim 1 for easy installation and removal of the lancet. Garthe et al. do not remedy the deficiencies of Searle et al. There is no reasonable basis from the references for modifying the cap 16 and the base 12 in Searle et al. to meet the lancet holder including the first and second members required by claim 1.

For at least these reasons, claim 1 is patentable over Garthe et al. in view of Searle et al. Claims 19 and 20 ultimately depend from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 2-4, 8-9 and 16-17 are rejected under 35 USC 103(a) as being unpatentable over Garthe et al. in view of Searle et al., and further in view of Kageyama et al. (US Patent No. 6,039,485). Applicants respectfully traverse this rejection.

Claims 2-4, 8-9 and 16-17 ultimately depend from claim 1 and are patentable over Garthe et al. in view of Searle et al., and further in view of Kageyama et al. for at least the same reasons discussed above regarding claims 1, 19 and 20. Kageyama et al. do not remedy the deficiencies of Garthe et al. and Searle et al. Moreover, the tip chuck 34 and the axial cylinder 26 in Kageyama et al. are merely parts of a mechanical pencil. The use

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of a lancet holder for a lancing apparatus requires different considerations from those when tip chucks are used in the field of making mechanical pencils. Therefore, claims 2-4, 8-9 and 16-17 are patentable over Garthe et al. in view of Searle et al., and further in view of Kageyama et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 5-7 and 18 are rejected under 35 USC 103(a) as being unpatentable over Garthe et al. in view of Searle et al. and Kageyama et al., and further in view of Kiehne et al. (US Patent No. 6,629,985). Applicants respectfully traverse this rejection. Claims 5-7 ultimately depend from claim 4. Claim 18 depends from claim 17. Therefore, claims 5-7 and 18 are patentable over Garthe et al. in view of Searle et al. and Kageyama et al., and further in view of Kiehne et al. for at least the same reasons discussed above regarding claims 2-4, 8-9 and 16-17. Kiehne et al. do not remedy the deficiencies of Garthe et al., Searle et al. and Kageyama et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 10 and 11 are rejected under 35 USC 103(a) as being unpatentable over Garthe et al. in view of Searle et al. and Kageyama et al., and further in view of Okumura et al. (US Patent No. 6,226,873). Applicants respectfully traverse this rejection. Claims 10 and 11 ultimately depend from claim 9 and are patentable over Garthe et al. in view of Searle et al. and Kageyama et al., and further in view of Okumura et al. for at least the same reasons discussed above regarding claims 2-4, 8-9 and 16-17. Okumura et al. do not remedy the deficiencies of Garthe et al., Searle et al. and Kageyama et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 12-15 are rejected under 35 USC 103(a) as being unpatentable over Garthe et al. in view of Searle et al., Kageyama et al. and Okumura et al., and further in view of Ritson et al. (US Patent No. 5,041,088). Applicants respectfully traverse this rejection. Claims 12-15 ultimately depend from claim 10 and are patentable over Garthe

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et al. in view of Searle et al., Kageyama et al. and Okumura et al., and further in view of Ritson et al. for at least the same reasons discussed above regarding claims 10 and 11. Ritson et al. do not remedy the deficiencies of Garthe et al., Searle et al., Kageyama et al. and Okumura et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

#### **Claim Rejections – Double Patenting**

Claim 1 is provisionally rejected on the ground of obviousness-type double patenting as being unpatentable over claim 1 of US Patent Publication No. 2007/0055297. Applicants respectfully traverse this rejection.

The reference claim requires a first moving member which is a lancet holder and a second moving member which is a lancet moving mechanism, similar to the structure referred to by reference numeral 3 in the present specification. The reference claim is completely silent as to the lancet holder including the first and second members required by the present claim 1. In fact, nowhere does US Patent Publication No. 2007/0055297 even disclose the lancet holder configuration required by the present claim 1. Therefore, claim 1 of US Patent Publication No. 2007/0055297 does not teach or suggest the present claim 1 and is patentably distinct from the present claim 1.

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In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. No. 29,165 at (612) 455-3802.



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Respectfully submitted,

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By:

A handwritten signature in dark ink, appearing to read "Curtis B. Hamre". The signature is written over a horizontal line.

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